

### REMARKS/ARGUMENTS

No claims are amended, added or withdrawn.

Claims 21 and 33 are cancelled without prejudice.

Claims 1-20 and 22-32 are pending.

Favorable reconsideration and allowance of the present patent application is respectfully requested in view of the following remarks.

#### *October 9, 2009 Amendment*

An amendment was filed on October 9, 2009 to respond to the *Ex parte Quayle* Action of September 9, 2009. A communication was mailed from the USPTO on October 21, 2009 indicating that the September 9 amendment would not be entered. Accordingly, instead of entry of such amendments, cancellation claims 21 and 33, without prejudice, is respectfully requested.

#### *Telephonic Discussion with Examiner*

A teleconference was conducted with examiner Tilahun Gesesse on October 28, 2009 to discuss the substance of the October 21 communication from the USPTO as applicable to claims 21 and 33, and possible modifications to make these claims allowable. No specific claim language was agreed upon.

#### *Allowable Subject Matter*

According to the Office Action, Claims 1 – 33 had set forth allowable subject matter. Assignee thanks Examiner for such disposition of these claims. It is submitted, however, that while claims 1 – 33 had been deemed to set forth allowable subject matter, other allowable subject matter may be supported by the specification and drawings.

#### *Objection to the Specification*

In the current action, the specification was objected to for allegedly failing to provide proper antecedent basis for claimed subject matter. Specifically, it is asserted that “a processor

readable media for storing instructions" in claim 21 and "a machine-readable medium comprising instructions, which when executed by a machine" in claim 33 are not consistent with language in the specification.

Here, claims 21 and 33 have been cancelled without prejudice and to expedite allowance. Accordingly, withdrawal of objection to the specification is respectfully requested. Allowance of claims 1 – 20 and 22 - 32 is respectfully requested without delay. Additionally, Assignee reserves the right to pursue claims directed to the subject matter of cancelled claims 21 and 33

Finally, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

#### CONCLUSION

In light of the remarks above, Assignee respectfully submits that the application is in condition for prompt allowance, for which early action is requested.

Respectfully submitted,

Dated: 11/12/09

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